

DETAILED ACTION

1. This Office Action is in response to the Decision by the Board of Patent Appeals and Interferences (BPAI) on June 30, 2011. Claims 26-42 are currently pending and have been considered below.

Allowable Subject Matter

2. Claims 26-42 are allowed.

Examiner's Statement of Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance:

The BPAI Decision of June 30, 2011 reversed the rejection of all claims. While prior art was cited that disclosed:

“a vehicle radio having an input for receiving audio data and at least one output for providing audio signals representative of the received audio data” (Dimitriadis, Figure 2, Item 40);

“a radio broadcast receiver having an antenna (Dimitriadis, Figure 2, Item 42) for receiving two or more radio broadcast streams, with a first one of the radio broadcast streams including radio advertisements (“*data radio*”, Dimitriadis, Figure 2, Item 62) and a second one of the radio broadcast streams including audio content (“*voice radio*”, Dimitriadis, Figure 2, Item 64) that contains intermittent advertising slots each identified by a marker contained with that broadcast stream, the radio broadcast receiver being

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coupled to the input of the vehicle radio to provide the vehicle radio with the received audio content” (Dimitriadis, Figure 2, Item 66); and

“an advertising control unit (“microprocessor”, Dimitriadis, Figure 2, Item 60) connected to said radio broadcast receiver to receive at least some of the radio advertisements contained in the first radio broadcast stream (Dimitriadis, Figure 2, Item 72), said advertising control unit including a recording device which stores radio advertisements (Dimitriadis, Figure 2, Item 90) received from said radio broadcast receiver”;

“wherein, upon receipt of one of the markers contained within the second broadcast stream, said advertising control unit is operable to access one of the stored radio advertisements, with the accessed radio advertisement being inserted into the advertising slot identified by the received marker so that the accessed radio advertising is included within the audio content sent to the input of the vehicle radio” (“*amp*” and *speakers*, Dimitriadis, Figure 2, Items 68 and 70) (“*Once advertisements from voice and data broadcasts 22 and 26 are stored within device 40, subsequent conditions or explicit commands trigger presentation thereof to the operator of vehicle 10*”, Dimitriadis, column 4, lines 24-39). Prior art was also found that disclosed that the subsequent conditions that would cause the presentation of the stored advertisements could be markers contained within the second broadcast stream (“*One or more commercial identifier codes (CID) are transmitted to and recorded by the RD in advance of the commercial broadcast. As described below, these codes will be used to “tell” the display which upcoming commercials to play and which to ignore ... Later, these*

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identifier codes (CIDs) are attached to or embedded in the beginning of appropriate commercials prior to broadcast or transmission”, Hite, column 5, lines 40-62).

According to the BPAI Decision, the prior art does not disclose “*inclusion of accessed radio advertisement with the audio content or voice signal 66 before the audio content is sent to the amplifier 68*” (Decision, page 3, lines 11-13) and that it would not have been obvious to combine the teachings of Hite with the teachings of Dimitriadis (Decision, page 4, lines 6-14). While the Examiner notes that it is not inherent to combine the audio content and the advertisement before sending it to the amplifier and speakers to be output to the listener (e.g. it would be possible for the amplifier to simultaneously receive two audio inputs and present them both at the same time, such as when a radio is tuned in between two radio broadcast channels and attempts to present both audio signals at the same time resulting in neither broadcasts being understandable), the Examiner believes that it would have at least been obvious that the two signals would be synchronized (combined) before being sent to the output portion of the radio.

However, in deference to the BPAI decision, “*including the accessed radio advertising within the audio content sent to the input of an element corresponding to the recited vehicle radio*” is considered to be the novel, non-obvious step of the invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES W. MYHRE whose telephone number is (571)272-6722. The examiner can normally be reached on Monday through Thursday 6:00-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Namrata Boveja can be reached on (571) 272-8105. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JWM
August 31, 2011

/JAMES W MYHRE/
Primary Examiner, Art Unit 3682

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